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09/613,491	07/11/2000	Luther C. Abel	C1117-991100	9981

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EXAMINER

DASS, HARISH T

ART UNIT PAPER NUMBER

3628

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/613,491

Applicant(s)

ABEL ET AL.

Examiner

Harish T Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-37 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-28, 34-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material, which is not supported by the original disclosure, is as follows: - Amended claims 1, 17, 34 and 36 recite "dynamically restricting approval of individual transactions". - Amended claim 11 recites "individual transactions."

Examiner is unable find any suggestions, closes relevant paragraph or support, in original specification, for these "dynamically restricting" and "individual transactions" limitations and in this office action respect to original specifications these limitations are consider as a new matters, Applicant is required to remove the added limitations or amend to read per original specification.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 10, 15-17, 23, 25-37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (US 5,953,710) in view of Adams (US 5,177,342).

Re. Claim 1, Fleming discloses an interface (items 60 & 62) between a merchant's bank and a bank at which a consumer has an account for conducting card-based transactions, the interface being remotely accessible by the consumer for selectively restricting approval of a transaction [see entire document particularly, Abs; Figures 1-11; C1 L5 to C4 L11]. Fleming does not explicitly disclose dynamically restricting (limiting) approval of individual transactions (transaction). However, Adams discloses this feature [see entire document particularly, Abstract; Fig. 1; C1 L50 to C2 L5; C5 L20-L42] to change the transaction limit in the terminal (computer or PC) to adjust the level of risk. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Fleming and Adams and add dynamically adjust the limit on-line to eliminate the lag time inherent in off-line system.

Re. Claims 2, Fleming discloses wherein the bank at which the consumer has an account and the interface each determines independently of the other whether to approve the transaction [Figures 1, 3-6; C1 L5-47].

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Re. Claim 11, Fleming discloses an interface between a merchant's bank and a bank at which a consumer has an account for conducting card-based transactions, the interface being remotely accessible by the consumer for selectively directing individual transactions (transaction) to an account wherein the account to which the transactions are directed is identified from among a plurality of accounts held by the consumer based upon criteria selected by the consumer. [Ref. see claim 1].

Re. Claims 12-15, Fleming discloses wherein the account is identified based upon an amount of the transaction, and wherein the account is identified based upon a type of goods or services purchased, and wherein the account is identified based upon an identity of the merchant, and wherein the account is identified based upon a current account balance [see claim 1 and Figure 2A; C7 L4-L37].

Re. Claims 17, 23, 25-28 Fleming discloses presenting a card to a merchant for a transaction [see claim 1, C7 LL37 to C9 L L10], and communicating information relating to the transaction from the merchant to an interface [Fig. 3], and determining at the interface whether to approve or deny the transaction based upon a criteria selected by the consumer [Fig. 3], and when said determining at the interface finds that the transaction is to be approved based upon the criteria selected by the consumer, communicating information relating to the transaction from the interface to a bank at which the consumer has an account, and determining whether to approve or deny the transaction based upon predetermined criteria selected by the bank and communicating

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results of said determining whether to approve or deny the transaction to the merchant, and wherein the presenting is performed by a card user other than the consumer, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an amount of the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a type of goods or services purchased during the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an identity of the merchant, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a current account balance [Ref. see claim 1]. Fleming does not explicitly disclose wherein the consumer may dynamically restrict approval of individual transactions through the interface. However, Adams discloses wherein the consumer (user) may dynamically restrict approval of individual transactions (transaction) through the interface (terminal) [see entire document particularly, Abstract; Fig. 1; C1 L50 to C2 L5; C5 L20-L42] to change the transaction limit in the terminal (computer or PC) to adjust the level of risk. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Fleming and Adams and add dynamically adjust the limit on-line to eliminate the lag time found in most off-line systems.

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Re. Claims 29-33, Fleming discloses presenting a card to a merchant for a transaction, and communicating information relating to the transaction from the merchant to an interface, and identifying at the interface an account from among a plurality of accounts held by the consumer to which the transaction is to be directed based upon criteria selected by the consumer, and communicating information relating to the transaction from the interface to a bank at which the consumer has the identified account, and determining whether to approve or deny the transaction based upon predetermined criteria selected by the bank, and communicating results of said determining whether to approve or deny the transaction to the merchant, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an amount of the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a type of goods or services purchased during the transaction, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon an identity of the merchant, and wherein the bank at which the consumer has the account is selected from a plurality of banks at which the consumer has an account based upon a current account balance [Ref. see claim 1].

Re. Claim 34, Fleming discloses an interface between a merchant's bank and a bank at which a consumer has an account for directing card-based transactions made by the consumer using any of a plurality of cards to the account wherein the interface

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selectively restricts approval of a transaction made using one of the plurality of cards in accordance with a limitation on an amount of the transaction, the limitation for each of the plurality of cards not necessarily being equal and the interface being accessible to the consumer for selecting the limitation for each of the plurality of cards and the interface being remotely accessible by the consumer for selectively restricting approval of a transaction [Ref. see claim 1]. Fleming does not explicitly disclose dynamically restricting (limiting) approval of individual transactions (transaction). However, Adams discloses this feature [see entire document particularly, Abstract; Fig. 1; C1 L50 to C2 L5; C5 L20-L42] to change the transaction limit in the terminal (computer or PC) to adjust the level of risk. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Fleming and Adams and add dynamically adjust the limit on-line to eliminate the lag time found in most off-line systems.

Re. Claim 36, Fleming discloses an interface between a merchant's bank and a bank at which a consumer has an account for directing card-based transactions made by the consumer using any of a plurality of cards to the account wherein the interface selectively restricts approval of a transaction made using one of the plurality of cards based upon whether the consumer has enabled or disabled the card being used, the interface being accessible to the consumer for selectively enabling or disabling each of the plurality of cards [Ref. see claim 1]. Fleming does not explicitly disclose dynamically restricting (limiting) approval of individual transactions (transaction). However, Adams



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discloses this feature [see entire document particularly, Abstract; Fig. 1; C1 L50 to C2 L5; C5 L20-L42] to change the transaction limit in the terminal (computer or PC) to adjust the level of risk. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Fleming and add dynamically adjust the limit on-line to eliminate the lag time found in most off-line systems.

Re. Claims 10, 16, 35 & 37 Fleming discloses telecommunications link [for example figure 1] and for examples URL for MasterCard web site ([www.mastercard.com/Info/products.htm](http://www.mastercard.com/Info/products.htm)) [front page]. Neither Fleming nor Adams explicitly discloses wherein the interface comprises a web server for allowing the consumer to access the interface via the World Wide Web. However, Internet is a well known communication tool which uses server to access network and used by clients world wide to transmit email, documents, images, etc. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Fleming and Adams and add internet communication interface to allow user to communicate with their financial institutions on-line instead of for example mail or phone and any time.

3. Claims 3-9, 18-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view Adams as applied to claims 1 & 17 above, and further in view of Oncken et al (US 4,725,719).

Re. Claims 3-9, Fleming or Adams does not, explicitly, disclose wherein a restriction selected by the consumer includes a restriction to a particular merchant, and wherein a restriction selected by the consumer includes a restriction on the amount of the transaction, and wherein a restriction selected by the consumer includes a restriction on a balance accrued for transactions during a period of time, and wherein the period of time is selected from the group consisting of a day, a week and a month, and wherein a restriction selected by the consumer includes a restriction on a type of goods or services purchased, and wherein the transaction is initiated by a card user other than the consumer, wherein the transaction is consummated without the merchant receiving the identity of the consumer. However, Oncken et al discloses these steps [see entire document particularly, Abs; Figures 1-4; C1 L5 to C6 L11] to enable users to select more than one restricted payee. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the teachings of Fleming, Adams and Oncken et al and include control on usage of the card to use the card for restricted purpose and avoid abuse, prevent fraud and misuse and limit unauthorized use of the card.

Re. Claims 18-22, & 24 Fleming or Adams does not, explicitly, disclose wherein the criteria selected by the consumer includes a restriction to a particular merchant, and wherein the criteria selected by the consumer includes a restriction on the amount of the transaction, and wherein the criteria selected by the consumer includes a restriction on

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a balance accrued for transactions during a period of time, and wherein the period of time is selected from the group consisting of a day, a week and a month, and wherein the criteria selected by the consumer includes a restriction on a type of goods or services purchased, and wherein the transaction is consummated without the merchant receiving the identity of the consumer. However, Oncken et al discloses these steps [see entire document particularly, Abs; Figures 1-4; C1 L5 to C6 L11] to enable users to select more than one restricted payee. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the teachings of Fleming, Adams and Oncken et al and include control on usage of the card to use the card for restricted purpose and avoid abuse, prevent fraud and misuse and limit unauthorized use of the card.

### ***Response to Arguments***

4. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

*US 6,609,113 to O'Leary et al, Aug. 19, 2003 'Method and System for Processing*

*Internet Payments Using The Electronic Funds Transfer Network" discloses a system for*

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*effectuating electronic payments that leverages existing and conventional payment infrastructure.*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Souh can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

6/3/2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
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